

Remarks

Claims 2 through 6, 10-15 and 17-27 are pending in the application. Claims 2-4 ,6, 10-12, 14 and 17 have been amended, to comply with the requirements set forth in the Office Actions of July 2nd, 2007 and February 6, 2008 as well as to place the application in better condition for appeal. New claims 18-27 have been added.

Response to arguments

With respect to § 12 of the Final Office Action, it is respectfully observed that in the examples of Figs. 24-33 of the present application, it is illustrated that the bits of a received bits stream are sampled such that two or more bit values are obtained for a bit in the bit stream. Referring for example to Fig. 25, the received bit stream shown therein includes (during the period indicated with BSS) two bits (1 and 0 respectively) which are each sampled into 10 samples. As illustrated in Figs. 24, 26 and 33, the majority voting is performed on the sample values generated by the receiver. .

In contrast thereto, Hedberg discloses transmitting encoded repetitions of data words and performing majority voting on the received repetitions (see e.g. column 15 lines 11-13, lines 26-32 and column 16 lines 12-14): Hedberg does not disclose sampling of the bits in a data word after the data word has been received and accordingly does not disclose "sampling a bit of a received bit stream" ,as recited in new claims 18, 22, 23 and 27, nor performing majority voting thereon.

It is observed that in the Final Office Action, the comments at §10-§ 11 contain a reference to the Wikipedia website as well as to the fact that some of the applicants are Core Partners in the FlexRay consortium,

based on which the wording of the claims on file has been rejected. The content of the patent application has been interpreted in the manner indicated in the Final Office Action and it has been argued that Hedberg discloses the subject matter of claim 1 as amended in the response of November 21, 2007. However, it is respectfully submitted that such external factors are not relevant to the allowability of the claims. Moreover, the Wikipedia website does not constitute prior art. This follows e.g. from the history of the page referred to in the Office Action which indicates that the respective part was created in 2005 (see <http://en.wikipedia.org/w/index.php?title=FlexRay&action=history>). Neither Hedberg nor the present patent application refer to Wikipedia. Accordingly, neither the disclosure of Hedberg nor of the present application include the disclosure of Wikipedia and the example cited at page 6 of the Final Office Action is neither part of the present patent application nor of the disclosure of Hedberg. For this reason, the disclosure of Wikipedia is not relevant to the present application.

The Applicant furthermore submits that associations, collaborations, or products made by the Applicant (standards the Applicant is supporting) cannot be used to determine the scope and disclosure of a patent application and/or the prior art. In this respect, it is observed that the FlexRay specification does not constitute prior art. Accordingly, the FlexRay specification cannot be used to interpret the language used in the present application nor render the language used in the present application unclear.

Drawings

The attention of the Examiner is directed towards the claim to priority of German patent application 102 16 984.5 and European Patent Application 02 008 171.7, both filed on 16 April 2002, which claim has

been acknowledged in the non-Final Office Action of July 2, 2007. Accordingly, it is respectfully observed that the presentation identified at § 14 of the Final Office Action is not prior art with respect to the present application. Accordingly, it is submitted that there is no need to designate the drawings with the legend proposed in § 14 of the Office Action.

Claim Rejections-35 USC §101

It is submitted that the amendment to claim 17 renders the rejection in the Final Office Action moot.

Claim Rejections-35 USC §102 and §103

Claims 1, 2, 4, 5, 9, 10, 12, 13, 15 and 17 stand rejected whereas claims 3, 6, 11 and 14 are objected but deemed allowable if rewritten in independent form. Appreciation is expressed for the indication of the allowability of those claims. Claim 3, 6, 11, and 14 have been rewritten in independent form. Claim 17 has also been amended to recite the limitations of allowable claim 3. Accordingly, it is respectfully submitted that those claims are allowable, as indicated in the non-Final Office Action of July 2, 2007 and reconfirmed in the Final Office Action. All other pending claims are, either directly or indirectly, dependent on one of the independent claims and are therefore allowable for that reason alone.

Because of the above, the application is now believed to be in condition for allowance, and the Examiner is cordially invited to issue a notification of allowance.

No new matter has been added in this amendment.

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Respectfully submitted,

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Date

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